



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Renpei Nagashima

Title: METHOD, SYSTEM AND APPARATUS FOR HANDLING  
INFORMATION ON CHEMICAL SUBSTANCES

Appl. No.: 09/804,078

Filing Date: 03/13/2001

Examiner: Anthony T. Dougherty

Art Unit: 2863

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT**  
**UNDER CFR §1.705(b)**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicant respectfully requests reconsideration of the patent term adjustment included with the Notice of Allowance mailed March 22, 2004. Applicant respectfully submits that **the patent term adjustment should be 410 days**. Applicant respectfully submits that the issuance of the September 16, 2003, Office Action to address the deficiencies of the July 28, 2003, Office Action **restarted** the three-month period of reply. That is, all extensions taken by Applicant should be based on the September 16 Office Action, and not the July 28 Office Action, and thus **only a 31 day** extension and not an 80 day extension was taken by Applicant. The following provides further detail as to why the term adjustment should be 410 days.

The above-identified application was filed on March 13, 2001. The United States Patent Office has an obligation to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), in accordance with CFR § 1.702. The Patent Office failed to act in a timely fashion on the application, as a non-final office action was not mailed to the Applicant until July 28, 2003 (an office action containing deficiencies warranting the issuance of another non-final office action and thus restarting the period of reply, as will be detailed below). Therefore, patent term adjustment is needed for

the time period beginning May 13, 2002, 14 months from application filing date, and July 28, 2003, the mailing date of the non-final office action, **a total of 441 days**.

However, Applicant took an extension of time in responding to an office action, thus reducing this value. Applicant submits that the Patent Office **incorrectly** utilized **an 80 day period** of extension based on the period from the date on which the July 28, 2003, Office Action turned 3 months old (October 28, 2003) to the date on which a response was filed (January 16, 2004), as opposed to correctly utilizing a **31 day period** of extension based on the period from the date on which the September 16, 2003, Office Action turned 3 months old. The September 16, 2003 Office Action was issued by the Patent Office **to rectify a deficiency in the July 28, 2003 Office Action, thus restarting the three-month period of reply on that date** (September 16, 2003). Therefore, upon filing a response on January 16, 2004, only a **31 day extension period** was used by Applicant. In view of this, the patent term adjustment should be **410 days** (441-31) not 361 days (441-80).

It is therefore respectfully requested that a patent term adjustment of 410 days be issued in favor of the Applicant.

A check for the amount of \$200 is enclosed herewith. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Applicant requests that the undersigned be contacted if the Patent Office does not agree with Applicant's position regarding the correct Patent Term Extension time period.

Respectfully submitted,

Date

June 21, 2004

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By



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